# **ORIGINAL**

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Attorneys for Plaintiffs

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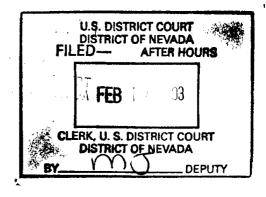
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## UNITED STATES DISTRICT COURT

#### DISTRICT OF NEVADA

CAESARS WORLD, INC. and PARK PLACE ENTERTAINMENT CORPORATION,

Plaintiffs,

v.

CYRUS MILANIAN, and THE NEW LAS VEGAS DEVELOPMENT COMPANY, L.L.C.,

Defendants.

Civil Action No.: CV-S-02-1287-RLH (RJJ)

PLAINTIFFS' APPLICATION FOR ATTORNEY'S FEES AND COSTS

(Pursuant to Fed. R. Civ. P. 37(d))

Pursuant to Rule 37(d) of the Federal Rules of Civil Procedure, Plaintiffs Caesars World, Inc. and Park Place Entertainment Corporation apply to this Court for an order requiring Defendant Cyrus Milanian to pay attorney's fees and costs for his failure to attend his deposition.

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This application is based on the following Memorandum of Points and Authorities, the Affidavit [of Richard H. Brown, Esq.] Submitted in Support of Plaintiffs' Application for Attorney's Fees and Costs, attached hereto, as well as all papers and pleadings on file in this matter.

DATED this 147 day of February, 2003.

JONES VARGAS

By: GARY R. GOODHEART, ESQ.
Nevada Bar No. 001203
PATRICK A. ROSE, ESQ.
Nevada Bar No. 005109
3773 Howard Hughes Parkway
Third Floor South
Las Vegas, Nevada 89109

Attorneys for Plaintiffs

**AND** 

STEPHEN W. FEINGOLD RICHARD H. BROWN, ESQ. Pitney, Hardin, Kipp & Szuch LLP 685 Third Avenue New York, New York 10017-4024 Co-Counsel for Plaintiffs

### **MEMORANDUM OF POINTS AND AUTHORITIES**

Rule 37 of the Federal Rules of Civil Procedure provides sanctions for a party's failure to cooperate in discovery, including the failure to attend a party's own deposition. Such sanctions can include refusing to allow the failing party to testify which was so ordered by this Court as to Cyrus Milanian, and requiring the failing party to pay attorney's fees and costs caused by the failure. See, Fed. R. Civ. P. 37(b)(2)(B), 37(d). More specifically, the Rule provides, in pertinent part, as follows:

In lieu of any order or <u>in addition thereto</u>, the court <u>shall</u> require the party failing to act or the attorney advising that party or both to pay the reasonable expenses, including attorney's fees, caused by the failure unless the court finds that the failure was substantially justified or that other circumstances make an award of expenses unjust.

Fed. R. Civ. P. 37(d) (emphasis added)

Defendant Cyrus Milanian failed to attend his own deposition, properly noticed for January 13, 2003, as more fully discussed in the Affidavit [of Richard H. Brown, Esq.,] Submitted in Support of

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Plaintiffs' Application for Attorney's Fees and Costs, attached hereto. Mr. Brown's Affidavit is incorporated herein by this reference.

Under these circumstances, Plaintiffs are entitled to an order requiring Defendant Cyrus Milanian to pay the attorney's fees and costs incurred by Plaintiffs in connection with Defendant's failure to attend his properly noticed deposition.

DATED this \_\_\_\_\_ day of February, 2003.

JONES VARGAS

GARY R. GOODHEART, ESQ. Nevada Bar No. 001203 PATRICK A. ROSE, ESQ. Nevada Bar No. 005109 3773 Howard Hughes Parkway Third Floor South Las Vegas, Nevada 89109 Attorneys for Plaintiffs

## **AND**

STEPHEN W. FEINGOLD RICHARD H. BROWN, ESQ. Pitney, Hardin, Kipp & Szuch LLP 685 Third Avenue New York, New York 10017-4024 Co-Counsel for Plaintiffs JONES VARGAS 3733 Howard Hughes Parkway, Third Floor S. Las Vegas, NV 89109 (702) 862-3300

## PITNEY, HARDIN, KIPP & SZUCH LLP

(MAIL TO) P.O. BOX 1945, MORRISTOWN, N.J. 07962-1945 (DELIVERY TO) 200 CAMPUS DRIVE, FLORHAM PARK, N.J. 07932-0950 (973) 966-6300

ATTORNEYS FOR Plaintiffs

## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

CAESARS WORLD, INC., et al.,	: Case No. CV-S-02-1287-RLH (RJJ
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Plaintiffs, : Civil Action

V. : AFFIDAVIT SUBMITTED IN SUPPORT OF PLAINTIFFS' APPLICATION FOR CYRUS MILANIAN, et al., : ATTORNEYS' FEES AND COSTS

Defendants.

STATE OF NEW JERSEY )
(SS: COUNTY OF MORRIS )

RICHARD H. BROWN, being duly sworn, upon his oath, deposes and says:

- 1. I am an attorney-at-law of the State of New Jersey and a member of the firm of Pitney, Hardin, Kipp & Szuch LLP, attorneys for plaintiffs Caesars World, Inc. ("CWI") and Park Place Entertainment Corporation ("PPE") in this matter.
- 2. I submit this Affidavit in connection with application of plaintiffs for attorneys' fees and costs in connection with the failure of defendant Cyrus Milanian to attend his deposition in this

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matter. I was the attorney with primary responsibility for the deposition of Mr. Milanian on behalf of plaintiffs.

- 3. The Court granted plaintiffs' request for leave to file this motion in a conference call with all counsel on January 15, 2003. As set forth below and substantiated by the time records attached hereto as Exhibit A, plaintiffs seek reimbursement for legal fees and expenses in the amount of \$14,545,44. Because no one at our firm contemplated that we would need to file a fee application related to one discrete issue in this case, the time entries in Exhibit A for the days in question exceed the time sought in this application because we have reduced the hours to reflect only the work incurred relating to Mr. Milanian's deposition.
  - 4. This total amount is based on the following fees and disbursements:

## **Professional Fees**

Stephen W. Feingold	12.1 hours @ \$445/hour (minus 10% discount granted client)	\$4,846.05
Richard H. Brown	25.6 hours @ \$335/hour	\$9,011.50
Kate Dominus	6.1 hours @ \$90/hour	\$549.00
<u>Disbursements</u>		
Court Reporter		\$131,15
Service Costs		\$7.74

5. This time includes our firm's efforts to notice and confirm Mr. Milanian's presence at his deposition, the time spent in preparing for this deposition, the time spent determining the reason why Mr. Milanian did not appear, the time necessary to resolve this matter with the Court, and the time spent preparing this fee application. The disbursements include the cost of the Court Reporter and service of the subpoena on Mr. Milanian. Significantly, this fee request does not include

reimbursement for the extensive expense incurred by plaintiffs due to the need for their counsel to revamp their entire strategy as to how they were going to get certain key evidence admitted at trial. We estimate that plaintiffs incurred at least an additional 20 hours of my time and 5 hours of Mr. Feingold's time at an approximate value of \$9,000 not included in this request for fees. It also does not include time spend by Gary Goodheart, at Jones Vargas, in arranging conference calls with the Court to deal with Mr. Milanian's failure to appear for a deposition.

## The Noticing of Mr. Milanian's Deposition

- 6. On December 31, 2002, my office issued a deposition notice to Mr. Milanian, requiring him to appear at our offices in Florham Park, New Jersey on January 13, 2003 at 11:00 a.m. to provide testimony by oral deposition. This notice was prepared under my supervision by my secretary. A copy of the deposition notice is attached as Exhibit B. I spent 0.6 hours supervising these efforts.
- 7. On December 31, 2002, I caused the deposition notice to be served via regular mail on Mr. Milanian at 46 Bentley Road, Jersey City, New Jersey 07304, the address identified for service in the Court's December 19, 2002 Order. Jersey City is no more than a one hour drive from our office in Florham Park. At the time, Mr. Milanian was proceeding *pro se*, as his previous attorneys had been permitted to withdraw. Based on a return receipt card received by my office, I understand that Mr. Milanian received the deposition notice on January 2, 2003. A copy of the return receipt card is attached as Exhibit C. I also caused a copy of the notice to be served on Mr. Milanian by UPS overnight delivery on January 2, 2003.

## Preparation for Mr. Milanian's Deposition

8. After causing this notice to be served, I, as the attorney who would examine Mr. Milanian during the deposition, began preparations. Notwithstanding that plaintiffs' lead counsel,

Mr. Feingold, has substantially greater experience with trademark matters and some of the complexity of the issues in this case, especially with respect to the intent to use applications filed by Mr. Milanian, and would need to consult with me on these matters, we determined that it would be more cost effective for me take this deposition because my billing rate at \$335 per hour is substantially lower than Mr. Feingold's billing rate of \$445 hour.

9. My preparations consisted of reviewing: (a) Mr. Milanian's trademark applications, including at least 10 of the file wrappers obtained for those applications; (b) the proceeding between Mr. Milanian and Cunard Lines including the testimony Mr. Milanian provided in that case; (c) other documents uncovered as a result of our clients' investigation of Milanian, as well as other relevant materials. I also prepared extensive notes to be used in conducting the deposition and assembled more than 50 potential exhibits to be marked at Mr. Milanian's deposition. I was assisted in these efforts by Katherine Dominus, a 2002 graduate of Brooklyn Law School who at the time, had passed the New York State Bar Examination, but is not yet admitted to practice in New York. Ms. Dominus coordinated much of the investigation into Mr. Milanian and assisted me with the organization and identification of these exhibits. As reflected in the time sheets attached hereto as Exhibit A, Ms. Dominus spent a minimum of 5.0 hours in preparation for this deposition. In addition, Mr. Feingold spent 2.4 hours reviewing and commenting on my outline. From January 2-13, 2003, I spent a total of 20.2 hours preparing to take Mr. Milanian's deposition. In light of the fact that this was the only discovery that plaintiffs were conducting in this case and the significance of Mr. Milanian's testimony, this expenditure of time was reasonable.

### Efforts to Confirm Mr. Milanian's Attendance

- 10. Mr. Milanian never communicated with us about the deposition or advised us that he would not attend. In addition, no representative of Mr. Milanian contacted us about the deposition or advised that he would not attend.
- 11. On Friday, January 10, 2003, while I was finalizing my preparation for the deposition, Mr. Feingold, who had previously spoken with Mr. Milanian, attempted to contact him to confirm that he knew how to reach our office for the deposition. None of the phone numbers known to Mr. Feingold for contacting Mr. Milanian were working. After failing to locate a listing for Mr. Milanian in telephone directory or on the Internet, Mr. Feingold emailed Nicolas Karamanos, the attorney who had first represented Mr. Milanian when he approached Park Place Entertainment Corporation in May/June of 2002. Mr. Karamanos did not respond by the close of business Friday, January 10, 2002. Mr. Feingold spent 1.0 hours in connection with these efforts, as reflected in the time sheets attached hereto.
- 12. As explained more fully in paragraph 16 below, at this time we did not know that Gregory Buhyoff had filed papers on behalf of both defendants on January 9, 2002.
- 13. Thus, on January 13, 2003, a court reporter from the firm of Rizman, Rappaport, Dillon & Rose attended our office for the deposition. Mr. Feingold, as plaintiffs' lead trial counsel in this matter, was also in attendance as was Ms. Dominus in order to handle all documents and ensure that we would be able to integrate the testimony we obtained that day into our Proposed Findings of Fact and Conclusions of Law that were due to be filed two days after the deposition.
- 14. I understand that when Mr. Feingold arrived at our New Jersey office on January 13, he discovered that he had an email from Mr. Karamanos dated Saturday, January 11, 2002 that stated

that Mr. Karamanos believed that Mr. Milanian was not able to attend the deposition due to illness. I also understand that Mr. Karamanos did not leave Mr. Feingold a voice message over the weekend and no other effort was made to notify this firm that the deposition would not occur. Mr. Karamanos did not provide any phone number for Mr. Milanian or indicate at that time that Mr. Milanian had retained counsel. Mr. Feingold immediately responded and advised Mr. Karamanos that there was a court reporter at the firm and requested a phone number to contact Mr. Milanian. Mr. Feingold then returned to the conference room where we waiting for Mr. Milanian.

## Mr. Milanian Fails to Appear

- 15. Mr. Milanian did not appear at the appointed time. Mr. Feingold, Ms. Dominus and I waited until 11:30 a.m. before concluding that Mr. Milanian would not attend. We went on the record to note his failure to appear and discharged the court reporter.
- 16. At approximately 2:00 p.m. EST on January 13, we learned from Gary Goodheart, plaintiffs' Nevada counsel, that Gregory Buhyoff, an attorney in the State of Nevada, had filed papers on behalf of Mr. Milanian and the co-defendant on January 9, 2003. I understand that those papers were received by the Jones Vargas firm on January 13, 2003. They were not served on our firm.
- 17. At approximately 5:00 p.m. EST, Mr. Feingold and I finally spoke with Mr. Buhyoff, who advised us that his client was not well but provided no further details and was not able to provide a date for reconvening the deposition. He stated that in light of his motion for summary judgment there was no reason for us to depose Mr. Milanian though acknowledged that we were entitled to do so. We requested that Mr. Buhyoff discuss with Mr. Milanian when he could be available for deposition.

- 18. According to an affidavit filed by Mr. Buhyoff in his subsequent (January 17, 2003) application to withdraw as defendants' counsel, he had learned on January 10, 2003 that Mr. Milanian would not be attending the January 13, 2003 deposition as scheduled and suggested that Mr. Milanian alert plaintiffs' counsel. Inexplicably, Mr. Buhyoff took no steps to alert me, anyone else at my firm, or anyone at the Jones Vargas firm about Mr. Milanian's intention not to attend his deposition. Although Mr. Buhyoff supposedly advised Mr. Milanian to alert plaintiffs' counsel, Mr. Milanian did not do so.
- 19. As a result of Mr. Milanian's failure to appear, the absence of any notice to plaintiffs' counsel and the fact that Mr. Buhyoff did not speak with us until late in the day on January 13, Ms. Dominus spent at least 1.1 hours in connection with the failed deposition. Mr. Feingold and I each spent at least 2.1 hours each, on this issue including communications with local counsel and our clients as well waiting for Mr. Milanian and discussing this matter with Mr. Buhyoff. We have not included in these hours any of the time spent by Mr. Feingold and Ms. Dominus to travel to our New Jersey office for Mr. Milanian's deposition.

## Plaintiffs Seek Court Guidance

20. On January 14, 2003, Mr. Buhyoff represented that he expected to have information from his client and would communicate with us as soon as possible. By 5:00 p.m. EST we still had no information about when Mr. Milanian would be available or a copy of any medical note. Because the trial date that was now only three business days away, it was necessary to contact the Court. Mr. Feingold, however, was scheduled to teach the first class of Trademark Law at Fordham University School of Law where he is an Adjunct Professor. I was also not available because I was appearing before the Honorable Mary L. Cooper in the United States District Court for the District of New Jersey. Mr. Feingold therefore requested our senior litigation partner, Frederick L. Whitmer, who

has represented Caesars World, Inc. in the past, to handle the conference call with the Court. Thus, Mr. Whitmer and Gary Goodheart, local counsel, participated in a conference call with the Court on January 14, 2003 at approximately 3:00 p.m. PST.

- 21. The Court directed Mr. Buhyoff to produce evidence from a medical expert on his condition that supposedly prevented him from appearing at deposition by 12:00 p.m. (EST) on January 15, 2003.
- 22. As a result of these events, Mr. Feingold spent 1.5 hours on January 14, 2003 as a direct result of Mr. Milanian's failure to appear at his deposition. While Mr. Whitmer spent in excess of 1.0 hours preparing for and participating in the January 14 conference call, we have not include his time as part of this fee application.
- 23. Shortly after 12:00 p.m. EST, on January 15, 2003, Mr. Buhyoff relayed to us what purported to be a January 14, 2003 letter from Dr. Robert Brenner. I attach a copy of that letter hereto as Exhibit D. It states that Mr. Milanian is under his care for the treatment of "severe generalized anxiety, panic attacks and depression." Dr. Brenner, who does not appear to be a psychiatrist or psychologist, further stated that in his opinion: "the stress of deposition could result in significant aggravation of [Mr. Milanian's] existing condition" and that Mr. Milanian "is not able to withstand the stress that would be caused by a deposition at his time."
- 24. Mr. Buhyoff told Mr. Feingold on January 15, 2002 that he did not know when Mr. Milanian would be available for deposition as that was a matter for a doctor to determine. As a result, another conference call was arranged with the Court for late Wednesday afternoon EST and mid-Wednesday afternoon PST.

- 25. As the Court noted during this telephone conference on January 15, 2003, Dr. Brenner's January 14, 2003 letter does not indicate when Mr. Milanian developed the "conditions" described therein, whether he has actually examined the patient, whether the patient is under any medication, the expected duration of this alleged condition, or any other specifics that would support the opinion that Mr. Milanian was too infirm to testify. As a result, the Court ordered that Mr. Milanian would be barred from testifying at trial and that the Court would consider plaintiffs' request for attorneys' fees and costs.
- 26. As a result of the need to seek Court assistance to resolve these issues Mr. Feingold expended 2.1 hours on Wednesday, January 15, 2003. I spent 0.5 hours participating in January 15, 2003 conference call.

## Mr. Milanian's "Recovery"

- 27. On January 17, 2003, Melvin Silverman entered an appearance on behalf of Mr. Milanian and the co-defendant. At a telephone hearing on that date, Mr. Silverman represented to the Court that Mr. Milanian was not a well man and was thus not able to travel to Las Vegas to appear in court for the trial scheduled to commence on January 21, 2003. Based on those representations, Mr. Milanian requested an adjournment of the January 21 trial date. The Court denied that request.
- 28. On January 21, 2003, just before the trial commenced, we received a copy of Mr. Milanian's papers filed in connection with his application to reconsider the Court's ruling that barred him from testifying. In those papers was a letter from Dr. Brenner to the Court dated January 13,

<sup>&</sup>lt;sup>1</sup> I note that Mr. Milanian had given a deposition in his case against Cunard Lines, which was discussed at the trial.

2003, a copy of which is attached as Exhibit E hereto. Mr. Milanian and his counsel did not give plaintiffs a copy of that letter until the morning of January 21, 2003.

- 29. In that January 13, 2003 letter, Dr. Brenner wrote to "further explain and support my patients desire to postpone his current hearing." (Emphasis added). He then opined that because of "generalized anxiety, panic attacks and depression," that "it would be quite difficult for [Mr. Milanian] to appear in court at this time." No explanation has ever been offered for why this letter obviously referencing the January 14 letter is dated January 13.
- 30. As the Court knows, Mr. Milanian did travel to Las Vegas to attend the trial and made several requests to have the Court reconsider the sanctions imposed for his failure to appear for deposition.

### **CONCLUSION**

31. These facts make clear that Mr. Milanian never intended to attend the deposition and deliberately chose to conceal that intention from plaintiffs' counsel. Indeed, as this Court is aware, Mr. Milanian has refused to settle this case if such settlement includes a general release. We believe that these circumstances indicate that Mr. Milanian was, at least in part, motivated by a desire to avoid providing testimony under oath about other claims he intends to bring against plaintiffs as soon as this matter is concluded. He failed to contact us about the fact he would not be attending his deposition, notwithstanding explicit advice from Mr. Buhyoff. On January 15, 2003, he produced a letter from a Dr. Brenner, which was patently insufficient to explain his failure to appear for deposition. Undoubtedly based on information provided by Mr. Milanian, Mr. Silverman then made representations to the Court on January 17, 2003 about his client's health. Having failed to obtain an

adjournment of the trial, Mr. Milanian then traveled to Las Vegas to attend the trial and sought to testify.<sup>2</sup>

- 32. Contrary to his obligations, Mr. Milanian failed to attend his deposition and deliberately failed to advise plaintiffs that he would not attend. Had Mr. Milanian advised us that he would not be attending the deposition shortly after the notice was issued, our client obviously would have avoided the fees and costs associated with the deposition, including the court reporter costs.
- 33. In addition to the time set out above, I devoted in close to 5.0 hours preparing this fee application, although only 3.5 hours are sought in connection herewith. Mr. Feingold also spent close to 2.5 hours in connection with this application, though plaintiffs only seek 1.0 hour compensation for Mr. Feingold's time. It is well-established that time spent preparing a fee application is also recoverable in order to make the client whole.
- 34. Mr. Feingold's billing rate for this matter is \$445 per hour not including a discount of ten percent limited to Mr. Feingold's rate that is extended to these clients. Mr. Feingold is a leading trademark litigator in the United States and has represented Citibank, -Diageo plc (also known as Guinness UDV), Pearson plc, and Merv Griffin in connection with their intellectual property matters. He is on the Editorial Board for the *The Intellectual Property Law Strategist*, is an Adjunct Professor of Trademark Law at Fordham University Law School, and is an active writer and speaker on trademark matters. Prior to September 30, 2002, Mr. Feingold was a partner at Morgan Lewis & Bockius LLP where his billing rate for some matters was in excess of \$500 per hour.

<sup>&</sup>lt;sup>2</sup> In his January 21, 2003 affidavit submitted with his motion for reconsideration, Mr. Milanian refers to the hospitalization of his father on before January 13, 2003. He does not claim that: (a) he was even aware of the hospitalization before his deposition; or (b) that it somehow prevented him from attending (or rescheduling) the deposition. Nor does explain why he first disclosed the information on the morning of trial, or why Dr. Brenner makes absolutely no reference to those events in his several letters.

35. My billing rate for this matter is \$335 per hour. I specialize in complex federal

litigation including some experience with selected trademark matters.

36. Mr. Dominus' billing rate for this matter is \$90 per hour. Ms. Dominus is a recent law

school graduate who has passed the bar but has not yet been admitted in New York. The firm raised

Ms. Dominus' billing rate for all other clients excepts plaintiffs effective January 1, 2003 to \$110 per

hour. Effective February 1, 2002 her billing rate on this matter will increase to \$110 per hour.

37. The hours spent by plaintiffs' counsel on this matter were reasonable and necessary.

Their effort to obtain necessary discovery and to alert the Court when Mr. Milanian failed to appear.

38. In addition, plaintiffs incurred \$131.15 in charges for the court reporter, who attended

Mr. Milanian's deposition and \$7.74 in charges associated with serving Mr. Milanian notice of his

deposition. A copy of these receipts are attached hereto as Exhibit F.

39. Based on the foregoing, plaintiffs respectfully request the Court enter an Order

adjudging Mr. Milanian liable to plaintiffs in the sum of \$14,406.55 for attorneys fees and \$138.89

in costs.

RICHARD H. BROWN

Sworn and subscribed to before me this  $7^{\frac{1}{1}}$  day of February 2003.

Jotom Dublin

JOAN M. SEITZINGER NOTARY PUBLIC OF NEW JERSEY

My Commission Expires April 22, 2004

Exhibit A

EX A

Pitney, Hardin, Kipp & Szuch, LLP P.O. Box 1945 Morristown, NJ 07962-1945 Tax I.D. No. 22-1661404 Invoice No. 2011668 January 31, 2003

Park Place Entertainment Mtr. Name:

Colosseum

Park Place Entertainment Mtr. No.:

004082.103617

Park Place Entertainment In-House Atty:

	Description		
Date	Name	Hours	Dollars

12/30/02

draft dep notice;

R. Brown

2.6 hrs.

871.00

12/31/02

revise and

serve dep notice;

R. Brown

3.4 hrs.

1,139.00

BILLING ATTORNEY: S. Feingold

DATE PRINTED 02/05/03 14:00:53
FEES BILL THRU DATE: 01/31/03
COST BILL THRU DATE: 01/31/03
FILE STATUS: A CLIENT: 004082
"REBILL # 2107157 MATTER: 004082.103617

PARK PLACE ENTERTAINMENT Colosseum

BILLING NOTES
Defense of claims alleging
trademark infringement.

Page 4

prepare for Milanian deposition.

335.00

2,177.50

01/03/03

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Milanian deposition;

prepare for

335.00 3,216.00

BILLING ATTORNEY: S. Feingold

DATE PRINTED 02/05/03 14:00:53
FEES BILL THRU DATE: 01/31/03
COST BILL THRU DATE: 01/31/03
FILE STATUS: A CLIENT: 004082
'EBILL # 2107157 MATTER: 004082.103617 PARK PLACE ENTERTAINMENT Colosseum

01/06/03 524KLD 3.7 Organized and implemented relevant exhibit materials. BILLING NOTES
Defense of claims alleging
trademark infringement. 90.00 333.00

01/07/03	524KLD	6.1	Eiscussed with R. Brown various materials which would need procurement.	90.00	549.00
01/08/03	177кнв	8.4	Continue to work on Milanian deposition prep;	335.00	335.00 2,814.00
01/08/03	188SWF	3.4	Review and revise Milanian deposition testimony.	445.00	1,513.00

Page 5

BILLING ATTORNEY: S. Feingold

Page 6

DATE PRINTED 02/05/03 14:00:53
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PARK PLACE ENTERTAINMENT Colosseum BILLING NOTES
Defense of claims alleging
trademark infringement.

01/10/03	01/09/03
177кнв	177RHB
5.7	7.9
Milanian dep.	Continue to work on Milanian dep prep;
prepare for	
335.00	90.00 335.00
335.00 1,909.50	315.00 2,646.50

01/10/03

1885WF

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Attempt to contact C. Milanian at various numbers and e-mail N. Karamanos re deposition scheduled for 1/13.

445.00

445.00

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FEES BILL THRU DATE: 01/31/03
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FILE STATUS: A CLIENT: 004082
PEBILL # 2107157 MATTER: 004082.103617

BILLING ATTORNEY: S. Feingold

PARK PLACE ENTERTAINMENT Colosseum

NT BILLING NOTES

Defense of claims alleging

trademark infringement.

01/13/03	1/13/03	01/12/03	01/10/03
188SWF	177кнв	177кнв	52 <b>4</b> KLD
8.1	5.7	1.8	3.6
Resolve issues regarding non-appearance of Milanian at deposition;	Prepare for deposition of Milanian;	Prepare for Milanian deposition.	specimens for potential exhibit material.
445.00	335.00	335.00	90.00
3,604.50	1,909.50	603.00	324.00

Page 7

0.1/15/03 177RHB

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Page 8

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FILE STATUS: A CLIENT: 004082
FBILL # 2107157 MATTER: 004082.103617

PARK PLACE ENTERTAINMENT Colosseum

BILLING ATTORNEY: S. Feingold

BILLING NOTES
Defense of claims alleging
trademark infringement.

01/14/03 188SWF 4.3

confer with Milanian attorney regarding deposition and trial schedule and arrange for court conference;

445.00

1,913.50

Multiple meetings and conferences for trial preparation

335.00 2,445.50

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FEES BILL THRU DATE: 01/31/03
COST BILL THRU DATE: 01/31/03
TILE STATUS: A CLIENT: 004082
EBILL # 2107157 MATTER: 004082.103617

01/15/03

188SWF

7.4

BILLING ATTORNEY: S. Feingold

PARK PLACE ENTERTAINMENT Colosseum

Page 9

BILLING NOTES
Defense of claims alleging
trademark infringement.

445.00 3,293.00

'numerous calls to Milanian counsel, Gary Goodheart, and Court regarding deposition date and trial;

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FEES BILL THRU DATE: 01/31/03
COST BILL THRU DATE: 01/31/03
FILE STATUS: A CLIENT: 004082
EBILL # 2107157 MATTER: 004082.103617

BILLING ATTORNEY: S. Feingold

PARK PLACE ENTERTAINMENT Colosseum

BILLING NOTES
Defense of claims alleging
trademark infringement.

Page 11

costs;

01/19/03

177RHB

11.5

draft affidavit in support of motion for

335.00 3,852.50

Page 14

BILLING ATTORNEY: S. Feingold

DATE PRINTED 02/05/03 14:00:53
FEES BILL THRU DATE: 01/31/03
COST BILL THRU DATE: 01/31/03
FILE STATUS: A CLIENT:
EBILL # 2107157 MATTER:

CLIENT: 004082 MATTER: 004082.103617

PARK PLACE ENTERTAINMENT Colosseum

BILLING NOTES
Defense of claims alleging
trademark infringement.

2.9

Revise affidavit for attorneys fees;

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01/31/03

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Review and revise affidavit for attorney's fees and confer with  $\ensuremath{\mathsf{R}}.$  Brown regarding same.

445.00

445.00

Page 16

BILLING NOTES
Defense of claims alleging
trademark infringement.

DATE PRINTED 02/05/03 14:00:53
FEES BILL THRU DATE: 01/31/03
COST BILL THRU DATE: 01/31/03
'E STATUS: A CLIENT: 004082
EBILL # 2107157 MATTER: 004082.103617

PARK PLACE ENTERTAINMENT Colosseum

BILLING ATTORNEY: S. Feingold

EX B

JONES VARGAS 3733 HOWARD HUGHES PARWAY, THIRD FLOOR S. LAS VEGAS, NV 89109 (702)-862-3300

PITNEY, HARDIN, KIPP & SZUCH LLP (MAIL TO) P.O. BOX 1945, MORRISTOWN, N.J. 07962-1945 (DELIVERY TO) 200 CAMPUS DRIVE, FLORHAM PARK, N.J. 07932-0950 (973) 966-6300

ATTORNEYS FOR Plaintiffs Caesars World, Inc. and Park Place Entertainment

## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

CAESARS WORLD, INC. and PARK PLACE ENTERTAINMENT CORP.,,

: Civil Action No. CV-s-02-

1287-RLH-RJJ

Plaintiffs,

v.

NOTICE TO TAKE DEPOSITION

DIRECTED TO

DEFENDANT CYRUS MILANIAN

CYRUS MILANIAN, and THE NEW LAS VEGAS DEVELOPMENT COMPANY, LLC.,,

Defendants.

TO: Mr. Cyrus Milanian 46 Bentley Road Jersey City, New Jersey 07304

> The New Las Vegas Development Co., LLC c/o Mr. Cyrus Milanian 46 Bentley Road Jersey City, New Jersey 07304

PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 30, Plaintiffs Caesars World, Inc. and Park Place Entertainment will take testimony in this matter by deposition, upon oral examination, before a person authorized by the laws of the State of New Jersey to administer oaths on January 13, 2003, commencing at 11:00 a.m. at the offices of Pitney, Hardin, Kipp & Szuch LLP, 200 Campus Drive, Florham Park, New Jersey, 07932, and on any adjourned date thereof, and from day to day thereafter until completed, with respect to the subject matter of this action, at which time and place the deposition of Defendants Cyrus Milanian will be taken. You are requested to appear at that location on the appointed date and time.

JONES VARGAS 3733 Howard Hughes Pkwy Las Vegas, NV 89109

-and-

PITNEY, HARDIN, KIPP & SZUCH LLP 200 Campus Drive Florham Park, NJ 07932 Attorneys for Plaintiffs Caesars World, Inc. and Park Place Entertainment Corp.

Bv:

RICHARD H. BROWN STEPHEN W. FEINGOLD

DATED: December 31, 2002

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\*s Milanian

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January 14, 2003

Stephen W. Feingold Pitney, Hardin, Kipp & Szuch LLP 635 Third Avenue New York, NY 10017-4024

Re: Deposition of Cyrus Milanian Case # CV-S-02-1287-RLH-RUI

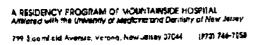
Dear Mr. Foingold:

I am writing this letter on behalf of my patient Cyrus Milanian. Mr. Milanian is under my care for the treatment of severe generalized anxiety, panic attacks, and depression. I understand that Mr. Milaman was scheduled to give a deposition in your office on January 13, 2003 It is my opinion that given Mr. Milanian's physical condition, the stress of a deposition could result in a significant aggravation of his existing condition. Accordingly, it is my opinion that Mr. Milanian is not able to withstand the stress that would be caused by a deposition at this time.

Sincerely.

Robert W. Brenner, MD

Director





EX E

ALCOVER BOAR AND CONTRACT HE WAS THE

SHN-13-2003 15:50



January 13, 2003

Honorable Roger L. Hunt United States District Court District of Nevada

Dear Sir.

I am writing this letter to further explain and support my patients desire to postpone his current hearing (case # CV-S-1287-RLH-RJJ).

Currently he is under my care for the treatment of generalized anxiety penic attacks and depression. It is my opinion that these conditions are related to his current stressors and that it would be quite difficult for him to appear in court at this time.

Sincerely yours,

Robert W. Bronner, MD

Director

EXF

PITNEY, HARDIN, KIPP & SZUCH LLP 200 CAMPUS DRIVE FLORHAM PARK, NJ 07932 (973) 966-6300 UNITED PARCEL SERVICE ACCT# 081-207

Date: 01/02/2003

To:Mr. Cyrus Milanian 46 Bentley Road Jersey City, NJ 07304

Telephone:

From: Richard Brown

LASE WITHOUT SIGNATURE

.aer: 012045.049652

Entered By: Joan Seitzinger

Date/Time: 01/02/2003 01:05:31 PM

Delivery Type: Priority

Delivery Day: Weekday only

Package Type: UPS Letter

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INVOICE

INVOICE NO. DATE JOB NUMBER

84956

01/21/2003

01-26473

**JOB DATE** 

REPORTER(S)

CASE NUMBER

01/13/2003

**RAPPHO** 

CV-S-02-1287-R

CASE CAPTION

Caesars World v. Milanian

TERMS

P. O. Box 1945 Florham Park, NJ 07932-0950

Pitney, Hardin, Kipp & Szuch, LLP

Richard H. Brown, Esq.

200 Campus Drive

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Richard H. Brown, Esq. Pitney, Hardin, Kipp & Szuch, LLP 200 Campus Drive P. O. Box 1945 Florham Park, NJ 07932-0950

Invoice No.: 84956

Date : 01/21/2003

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Job No.

: 01-26473

Case No. : CV-S-02-1287-RLH-RJJ

Caesars World v. Milanian

Remit To:

Rizman, Rappaport, Dillon & Rose, LLC

**Certified Court Reporters** 66 W. Mt. Pleasant Avenue Livingston, NJ 07039